

U.S. DISTRICT COURT
DISTRICT OF VERMONT

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TIMOTHY KEENE,		
Plaintiff,		
v.		Docket No.:
		2:07-CV-00079 WKS
DANIEL SCHNEIDER and		
JARED HATCH,		
Defendants.		
-----x		

DEPOSITION
--of--
JARED HATCH

Taken on behalf of the Plaintiff on Wednesday,
July 16, 2008, at the law offices of Rubin, Kidney,
Myer & DeWolfe, 237 N. Main Street, Barre, Vermont.

APPEARANCES

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1 A No.

2 Q So, what happened next?

3 A I just stood there for a little while, a
4 couple of minutes, I don't even know how long, to be
5 honest with you, just kind of watching, just watching
6 their interaction, and then I saw Trooper Schneider
7 retrieve his O.C. spray and spray Mr. Keene, and then
8 at that time I went to the door at the same time Mr.
9 Keene went into the door, and I couldn't get in.

10 Q Okay. So, did you actually, were you able to
11 see Mr. Keene's body going toward the door, or was that
12 an assumption?

13 A I don't recall. I mean, I believe I was
14 moving at the same time, so I'm not sure if I saw that
15 or not.

16 Q So, you tried to get through the door, but
17 your way was blocked?

18 A Correct.

19 Q And at some point it became unblocked?

20 A Yes.

21 Q Okay.

22 A I was able to force my way into the house.

23 Q So, when you forced your way in, what did you
24 see?

25 A I saw Mr. Keene on his stomach and Trooper

1 A I know he used some knee strikes, I believe he
2 used closed fist strikes, and eventually he used the
3 pressure point.

4 Q Okay. Was Trooper Schneider kneeling on the
5 floor?

6 A Yes.

7 Q Okay.

8 A I believe so.

9 Q So, he is kneeling on the floor, a knee strike
10 would be essentially like a kick with your knee?

11 A I guess. It's a knee strike.

12 Q Okay. And a closed fist strike, that's what
13 ordinary people call a punch?

14 A Correct.

15 Q How many times did you, were you aware of him
16 employing a knee strike?

17 A I don't know. I couldn't answer that
18 honestly.

19 Q Okay.

20 A I wasn't really paying attention to Trooper
21 Schneider.

22 Q Okay.

23 A You know, as far as what he was doing.

24 Q How about closed fist strikes, you weren't
25 aware of how many times he punched him?

1 A I don't know.

2 Q Okay. Did you employ any knee strikes on Mr.
3 Keene?

4 A I did.

5 Q How many knee strikes did you employ?

6 A Approximately five to ten.

7 Q How about closed fist strikes?

8 A I don't believe I used those.

9 Q Did you at any point see Trooper Schneider
10 obtain control of Mr. Keene's arm?

11 A Yes, he eventually did.

12 Q Let me clarify.

13 A I'm sorry.

14 Q His right arm?

15 A His right arm, yes, ma'am.

16 Q How was that accomplished?

17 A He used a pressure point technique.

18 Q What was the technique?

19 A I don't know what it's called. He used his
20 thumbs to gain compliance behind the ears.

21 Q So, he used his thumbs behind Mr. Keene's
22 ears?

23 A Um-hum.

24 Q And what did that accomplish?

25 A Mr. Keene kind of freed up his arm so his arm

1 Q Okay. And what does your training allow you
2 to do when someone is passively resisting arrest?

3 A Well, he wasn't passively resisting.

4 Q He was?

5 A Actively resisting.

6 Q He was actively resisting because he wasn't
7 complying?

8 A He was not complying, actively resisting.

9 Q Okay. So, when someone is lying there and
10 just not allowing his arms to be taken, that's active
11 resistance?

12 A If he's attempting to not being handcuffed,
13 actively resisting, yes.

14 Q So, if he is not fighting but he's not
15 allowing you to get his arms, what does your training
16 say that you can do?

17 A We can use control and restraint techniques,
18 we can use O.C., we can use softening blows such as
19 knee strikes to gain compliance.

20 Q Okay. And how is the O.C. effective in
21 getting control of people's arms?

22 A Each situation is different. As that
23 situation was, him being on the ground, it may not have
24 been that.

25 Q Well, the O.C. was employed when he was

1 Q What's the limit there?

2 A As much force needed to gain compliance.

3 Q Okay. So, if after say four blows there is no
4 compliance, how much softening do you get to do?

5 A Well, we don't get up and walk away. So, we
6 have to employ them until either they work, or we use
7 another technique that does work.

8 Q So, I guess what is reasonable in saying,
9 "Well, this technique isn't working"?

10 A Each situation is different. I don't know.
11 Each situation would have a different answer, I guess.

12 Q Have you ever been in a situation like this
13 before?

14 A As far as?

15 Q When someone has actively resisted arrest, by
16 your take, by not allowing his hands to be handcuffed?

17 A I believe so.

18 Q Can you think of any specific instances where
19 you were in that situation?

20 A I could think of one up in Coventry.

21 Q Um-hum. What did you employ there to get
22 compliance?

23 A Strikes, I believe we inflicted strikes.

24 Q How many?

25 A I don't recall.